

REMARKS/ARGUMENTS

I. Fees

Applicant believes that there are no additional fees due at this time. *If there are any additional fees due in respect to this amendment, please charge them to Deposit Account No. 13-2165. Authority is hereby given to charge any such deficiency, or credit any overpayment, to Deposit Account No. 13-2165 Mathews, Collins, Shepherd & McKay. The Examiner is invited to contact the undersigned if further information is required.*

II. Claim Objections

The Examiner has objected to claims 3, 18, 39 and 56 because of informalities and requires that “filename” be changed to “file name”. Appropriate correction has been made applicant to claims 39 and 56. Claims 3 and 18 were previously cancelled by preliminary amendment on April 18, 2003.

Applicant respectfully requests withdrawal of the objection.

III. 35 U.S.C. § 102

It is the Examiner’s opinion that claims 37-70 are anticipated by US Patent No. 5,678,041 issued to Baker.

In particular it is the Examiner stated that Baker “taught a method for quality of content of data provided from taught a method for quality of content of data provided from a source between digital devices (figure 1, network resources 101-105 are computing devices contains data resources) to a receiver (users 107-109 are retrieving the

data resources) of the data, the data is having at least one record (list 116), the at least one record having at least one data field (URL101 and Resource Rating101), the method (see title and Col 3 lines 8-32) comprising the following steps:

- a. assigning a grade indicative of the quality of the content of the data (Col 4 lines 35-37);
- b. linking the grade to the content of the data (Col 4 lines 13-16, Col 4 lines 32-35);
- c. wherein the receiver dynamically accesses the grade without having to access the data (Col 5 lines 8-15 and Fig. 1, users dynamically access to the list for rating information without having to access the network resources).

In the interest of prosecution efficiency the applicant has amended claim independent claims 37 and 54 to more clearly state the present invention.

The applicant agrees that Baker discloses communicating digital data between data sources. However, Baker neither discloses nor teaches a system for signaling content quality of preexisting digital data between digital devices including a digital source and a digital receiver, the preexisting digital data having a plurality of data records, each of the plurality of data records having a plurality of data fields, assigning a grade indicative of the quality of the content of the preexisting digital data using at least one or more predefined sets of criteria; and, **marking the preexisting digital data** with the assigned grade **without changing and without accessing the content** of the preexisting digital data;

wherein **the digital receiver dynamically accesses the marked grade of the preexisting digital data to determine suitability for subsequent use.**

Baker discloses a rating database to determine access rights to resource identifiers or pointers, such as a URL. The database is updated and modified by an administrator/manager. In particular the database contains an access rating for which the user has been assigned specific permissions by an administrator/manager (see column 3 lines 7-32). Baker provides a rating which determines if a user is granted access to the content identified by the URL.

In contrast to Baker, the applicant's present invention is a system for signaling content quality of preexisting digital data having a **plurality of data records**, each of the plurality of data records having a **plurality of data fields**. A grade is assigned indicative of the quality of the content of the preexisting digital data using at least one or more predefined sets of criteria; and, **marking the preexisting digital data** with the assigned grade **without changing and without accessing the content** of the preexisting digital data; wherein **the digital receiver dynamically accesses the marked grade of the preexisting digital data to determine suitability for subsequent use** of the preexisting digital data without accessing the preexisting digital data; whereby another digital receiver can independently determine suitability from the marked grade for another subsequent use of the preexisting digital data without accessing the preexisting digital data.

In the applicant's present invention in one claimed element feature the digital receiver dynamically accesses the marked grade of the preexisting digital data to determine suitability for subsequent use. Whereas, in Baker it is the administrator/manager who determines suitability for subsequent use.

In the applicant's present invention another claimed element feature is marking the preexisting digital data with the assigned grade without changing and without accessing the content. Whereas, in Baker a database must be accessed in order to determine if the user is granted permission to access the URL. Baker does not grade and then mark the data.

Baker does not teach each and every element of the applicant's claimed invention. Withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested, as the Examiner has failed to make a prima facie case of anticipation based on the cited prior art.

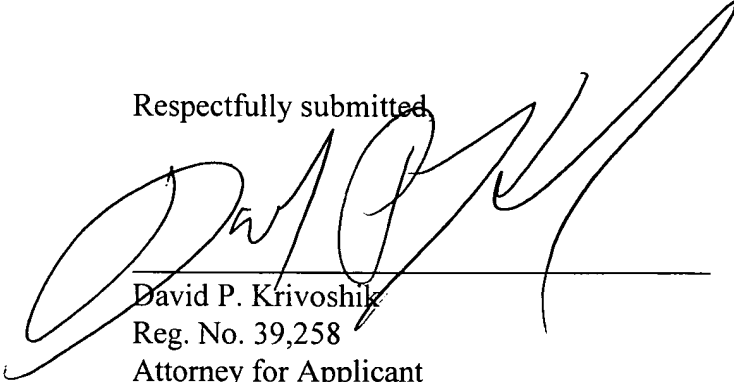
IV. Summary

By this amendment, applicant has amended the claims to more clearly state the present invention. Applicant believes that claims 37-70, the only remaining claims are in condition for allowance.

Should there remain any questions or other matters whose resolution may be advanced by a telephone call, the Examiner is cordially invited to contact the applicant's undersigned attorney at his number below.

Respectfully submitted,

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David P. Krivoshik
Reg. No. 39,258
Attorney for Applicant

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.
100 Thanet Circle, Suite 306
Princeton, NJ 08540
Tel: 609 924 8555
Fax: 609 924 3036

Email: dkrivoshik@mathewslaw.com